

NOTICE OF OBJECTION TO CONFIRMATION

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054

MARIE-ANN GREENBERG, Trustee
30 TWO BRIDGES RD, SUITE 330
FAIRFIELD, NJ 07004

Attend the hearing scheduled to be held on 09/05/2018 in the NEWARK Bankruptcy Court, in Courtroom 3E, at the following address:

**U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: August 28, 2018

/s/ Sherri J. Smith
Sherri J. Smith, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 47923
Fax: 856-813-5501
Email: Sherri.Smith@phelanhallinan.com

File No. 813556

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road

Mt. Laurel, NJ 08054

856-813-5500

FAX Number 856-813-5501

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE
ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING
HOME EQUITY LOAN TRUST, SERIES 2005-K

In Re:

SONDA D SMITH

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 13

Case No. 18-23221 - RG

Hearing Date: 09/05/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K, the holder of a Mortgage on debtor residence located at 32 COLUMBUS DRIVE, FRANKLIN PARK, NJ 08823 hereby objects to the Confirmation of the debtor proposed Chapter 13 Plan on the following grounds:

1. Movant is THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K.
2. Debtor, SONDA D. SMITH are the owners of the property located at 32 COLUMBUS DR, FRANKLIN PARK, NJ 08823-1726.
3. On August 27, 2018, Movant filed Proof of Claim listing pre-petition arrears in the amount of \$241.24.

4. Movant's Proof of Claim lists a post-petition payment in the amount of \$114.88.
5. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(50) and fails to schedule this debt within the plan.
6. Debtor's Plan fails to provide for the full monthly post-petition payment owed to Movant under the terms of the Note and Mortgage. Movant objects to any post-petition payment amount less than 100% of what is required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Sherri J. Smith
Sherri J. Smith, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 47923
Fax: 856-813-5501
Email: Sherri.Smith@phelanhallinan.com

Dated: August 28, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

813556
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856-813-5500
Attorneys for THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN CHASE
BANK, N.A., AS INDENTURE TRUSTEE ON
BEHALF OF THE NOTEHOLDERS OF THE
CWHEQ INC., CWHEQ REVOLVING HOME
EQUITY LOAN TRUST, SERIES 2005-K

In Re:

Sonda D Smith

Case No: 18-23221 - RG

Hearing Date: 09/05/2018

Judge: ROSEMARY
GAMBARDELLA

Chapter: 13

CERTIFICATION OF SERVICE

1. I, MICHAEL ROCKS:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On August 28, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: August 28, 2018 /s/ MICHAEL ROCKS
MICHAEL ROCKS

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Sonda D Smith 32 Columbus Dr Franklin Park, NJ 08823-1726	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Sonda D Smith 175 Myrtle Ave Passaic, NJ 07055	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

<p>Andrew Micklin, Esquire 1236 Brace Rd Ste J Cherry Hill, NJ 08034 Email: andrewmicklin@comcast.net</p>	<p>Debtor's Attorney</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>Marie-Ann Greenberg, Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004</p>	<p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102</p>	<p>U.S. Trustee</p>	<p><input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.